

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BARBARA R. BURNS,

Case No. 05-CV-0858 (PJS/RLE)

Plaintiff,

v.

OFFICE OF ATTORNEY GENERAL,
STATE OF MINNESOTA; CITY OF APPLE
VALLEY, its employees and agents;
DAKOTA COUNTY, its employees and
agents; CITY OF RICHFIELD; CITY OF
RICHFIELD POLICE DEPARTMENT;
THOMAS FITZHENRY; HENNEPIN
COUNTY, its employees and agents; STEVE
SUTTEN,

ORDER

Defendants.

Barbara R. Burns, plaintiff pro se.

Paul D. Reuvers and Jason M. Hively, IVERSON REUVERS, LLC, for defendants City of Apple Valley, City of Richfield, City of Richfield Police Department, and Thomas FitzHenry.

Andrea G. White and James M. Crow, DAKOTA COUNTY ATTORNEY'S OFFICE, for defendant Dakota County.

Toni A. Beitz and Daniel P. Rogan, HENNEPIN COUNTY ATTORNEY'S OFFICE, for defendants Hennepin County and Steven Sutten.

John S. Garry, MINNESOTA ATTORNEY GENERAL'S OFFICE, for defendant Office of the Attorney General, State of Minnesota.

This matter is before the Court on the objection of plaintiff Barbara R. Burns to the March 8, 2007 Report and Recommendation ("R&R") of Chief Magistrate Judge Raymond L. Erickson. The Court has reviewed de novo those portions of the R&R to which Burns has objected, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), considered carefully all

of Burns's objections, and adopts Judge Erickson's thorough and well-reasoned R&R [Docket No. 130].

The Court notes that Judge Erickson treated as a "Motion to Stay" the document filed by Burns on November 7, 2006 and docketed by the clerk's office as Docket Number 127. Docket Number 127 bears the heading "United States Court of Appeals Eighth Circuit," and seems to be a copy of the petition for rehearing that Burns filed with the Eighth Circuit. The clerk's office docketed it as a "Motion to Stay," apparently construing it as a request by Burns for a stay pending the Eighth Circuit's decision on her petition for rehearing. The Court agrees with Judge Erickson that, to the extent that Docket Number 127 is a motion to stay pending the Eighth Circuit's resolution of Burns's appeal, it is moot because the Eighth Circuit has ruled against Burns. *See* R&R at 5.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES Burns's objection [Docket No. 131] and ADOPTS Judge Erickson's March 8, 2007 Report and Recommendation [Docket No. 130]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Burns's motion for entry of default judgment, for re-transfer, and to strike [Docket No. 90] is DENIED.
2. Burns's motion to strike [Docket No. 121] is DENIED.
3. Burns's motion to stay [Docket No. 127] is DENIED AS MOOT.

Dated: August 2, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge